



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

Page 1 of 3

Cessation Order No. MC2007-03-05

CERTIFIED RETURN RECEIPT # 7004 2510 0004 1824 4646

To the following Permittee or Operator:

Permittee/Operator Name: Decorative Landscaping

Mine Name: T & M Holdings



Surface



Underground



Other

County: Salt Lake

State: Utah

Telephone Number: 801-796-7739

Business Address: 1584 South 580 East, American Fork, Utah 84003

Permit Number: S0350023

Ownership Category: ☒ State

☐ BLM

☐ USFS

☒ Fee

☐ Other

Date of Inspection: May 25 and July 6, 2007 Time: 11:15 and 9:45 AM to 12:30 PM and 10:15 AM

Under authority of the Utah Mined Land Reclamation Act, Section 40-8-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas, and Mining has conducted an inspection of above mine on above date and has found that a Notice of Violation or Cessation Order must be issued with respect to the conditions, practices, or violations listed. In accordance with Section 40-8-9, *Utah Code Annotated*, you are ordered to cease immediately the operations or activity described and to perform the required actions described within the designated time for abatement.

The undersigned representative finds that this order



does require cessation of all mining;



does not require cessation of all mining.

For this purpose, "mining" means development of, or extraction of a mineral deposit, including transportation within or from the mine site, concentrating, milling, evaporation, or other processing. Mining and/or reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas, and Mining.

Date of service/mailling: 7/17/07

Time of service/mailling 3:30 ☐ a.m. ☒ p.m.

Tracy Burnham

Permittee or Operator Representative

President

Title

Signature

Paul B. Baker

Division of Oil, Gas & Mining Representative

Reclamation Biologist

Title

Signature

SEE REVERSE SIDE

IMPORTANT – READ CAREFULLY

1. PENALTIES.

a. **Proposed assessment.** The Division of Oil, Gas, and Mining (DOGM) assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the DOGM will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be final unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. In addition, if you fail to abate any violation as required you will be issued a Cessation Order requiring you to cease mining operations on the portion of the operations relevant to the violation.

2. STOP WORK CONFERENCE.

A Stop Work Conference may be requested if this notice requires cessation of all mining. On the reverse of this page, the authorized representative has made a finding as to whether or not this notice requires cessation of all mining. (See Utah Admin. R. 647-6-102.4 et seq.)

You must request the Stop Work Conference within 30 days after service of this Cessation Order. The conference must be held within 5 days of your request. You will be notified of the date, time, and location of the conference.

Please send your conference request to:

Administrative Secretary
Associate Director of Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may apply for review of this notice, order or proposed assessment before the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in Utah Admin. R. 647-5 et seq.

4. INDIVIDUAL CIVIL PENALTIES.

An additional individual civil penalty of up to \$5000 per day may be assessed against any corporate director, officer, or agent who knowingly and willfully authorized, ordered or carried out a violation or who fails or refuses to comply with an order.

For further information, consult *Utah Code Annotated* Section 40-8-9, 9.1, Utah Admin. R. 647-6, 7, 8 seq. or contact the Division of Oil, Gas, and Mining at (801) 538-5304.

Cessation Order NO. MC2007-03-05

Violation No. 1 of 1

Page 1 of 1

Nature of condition, practice, or violation:

Expansion of a small mine area beyond the area allowed in the Notice of Intention to Commence Small Mining
Operations (NOI) and beyond five acres without first filing a Notice of Intention to Commence Large Mining
Operations or an amended NOI and additional surety.

Provisions of act, regulations, or permit violated:

Portions of the Act violated: UCA 40-8-9 (3)(b)(i). Regulations violated: R647-6-102; R647-3-114. Provisions of
the permit violated: The NOI says this disturbed area will be four acres.

(Check box if appropriate:)

- ☒ Condition, practice, or violation is creating an imminent danger to health or safety of the public.
☒ Permittee/Operator is/has been conducting mining activities without a permit.
☒ Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
☐ Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. or Cessation Order No. M _____ within time for abatement originally fixed or subsequently extended.

Mining activity to be ceased immediately:

All mining outside the permitted four-acre area is to be ceased immediately.

Affirmative obligation(s) or required action and abatement time (if applicable):

By August 3, 2007, the operator must place markers delineating the four-acre disturbed area. By August 17, 2007,
all areas outside the disturbed area must be regraded. Excess rock must be pulled into the permitted area, and the
unpermitted area must be regraded to blend with the topography of surrounding areas. By October 15, 2007, the
areas being reclaimed must be seeded with a permanent seed mix.

PBB:jb

cc: DOGM
Tracy Burnham, Decorative Landscaping
Craig Rasmussen, Bluffdale City
John Blake, SITLA
File

P:\GROUPS\MINERALS\WP\FORMS\I&E\mc070305.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TRACY BURNHAM
DECORATIVE LANDSCAPING
1584 S 580 E
AMERICAN FORK UT 84003

PB 7/17/07 \$0350023

2. Article Number

(Transfer from service label)

7004 2510 0004 1824 4646

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *R. Carter*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

R. Carter

C. Date of Delivery

7/18/07

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

SALT LAKE CITY UT 841

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

18 JUL 2007 PM 2 L

- Sender: Please print your name, address, and ZIP+4 in this box •

PENNY BERRY
STATE OF UTAH
DIVISION OF OIL GAS & MINING
PO BOX 145801
SALT LAKE CITY UT 84114-5801

RECEIVED

JUL 19 2007

DIV OF OIL GAS & MINING

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

PB 7/17/07 50350023

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage

Sent To

Street, Apt. No.
or PO Box No.

City, State, ZIP

TRACY BURNHAM
DECORATIVE LANDSCAPING
1584 S 580 E
AMERICAN FORK UT 84003

CO MC 2007-03-05
Inspection

Postmark
Here

7004 2520 0004 1824 4646